





# Chapter Planning Guide























# 16

## Key to Ability Levels

<b>BL</b> Below level	<b>AL</b> Above level
<b>OL</b> On level	<b>ELL</b> English Language Learners

## Key to Teaching Resources

 Print Material	 DVD
 CD-ROM	 Transparency

Levels				Resources		Chapter Opener	Section 1	Section 2	Section 3	Chapter Assess
BL	OL	AL	ELL							
					<b>FOCUS</b>					
BL	OL	AL	ELL		Daily Focus Skills Transparencies		16–1	16–2	16–3	
					<b>TEACH</b>					
BL	OL		ELL		Reading Essentials and Note-Taking Guide*		p. 150	p. 153	p. 156	
	OL	AL			Economic Activity, URB		p. 5			
	OL	AL			Primary Source Reading, URB			p. 15		
BL	OL	AL	ELL		Content Vocabulary Activity, URB*	p. 43	p. 43	p. 43	p. 43	
BL	OL	AL	ELL		Academic Vocabulary Activity, URB	p. 45	p. 45	p. 45	p. 45	
	OL				Biography Activity, URB		p. 47	p. 47	p. 47	
BL	OL	AL	ELL		Writing Skills Activity, URB			p. 49		
	OL	AL			Critical Thinking Skills Activity, URB			p. 51		
BL	OL	AL	ELL		Chart, Graph, and Map Skills Activity, URB		p. 53			
BL	OL	AL	ELL		Differentiated Instruction, URB			p. 55		
BL	OL	AL	ELL		School-to-Home Connection Activity, URB*	p. 57	p. 57	p. 57	p. 57	
BL	OL		ELL		Guided Reading Activities, URB*		p. 61	p. 62	p. 63	
	OL	AL			Supreme Court Cases			pp. 57, 89		
BL	OL	AL	ELL		Writer's Guidebook	✓	✓	✓	✓	✓
	OL	AL			Primary Source Document Library CD-ROM	✓	✓	✓	✓	✓
BL	OL	AL	ELL		Vocabulary PuzzleMaker CD-ROM	✓	✓	✓	✓	✓
BL	OL	AL	ELL		Daily Lecture & Discussion Notes (in Pres. Plus)		✓	✓	✓	✓
BL	OL	AL	ELL		StudentWorks™ Plus DVD		✓	✓	✓	✓
BL	OL	AL	ELL		Section Video Program		✓	✓	✓	
BL	OL	AL	ELL		TIME Interpreting Political Cartoons Transp.		Ch. 16			
BL	OL	AL	ELL		Writing Process Transparencies	✓	✓	✓	✓	✓

Note: Please refer to the *Unit Resource Book: The Individual, the Law, and the Internet* for this chapter's URB materials.

\* Also available in Spanish



- Interactive Lesson Planner
- Interactive Teacher Edition
- Fully editable blackline masters
- Section Spotlight Videos Launch
- Differentiated Lesson Plans
- Printable reports of daily assignments
- Standards Tracking System

Levels				Resources		Chapter Opener	Section 1	Section 2	Section 3	Chapter Assess
BL	OL	AL	ELL							
					<b>TEACH</b> <i>(continued)</i>					
<b>Teacher Resources</b>					Building Academic Vocabulary	✓	✓	✓	✓	✓
					Strategies for Success	✓	✓	✓	✓	✓
					Teacher's Guide to Differentiated Instruction	✓	✓	✓	✓	✓
					Graph Tool CD-ROM	✓	✓	✓	✓	✓
					Presentation Plus! DVD	✓	✓	✓	✓	✓
					<b>ASSESS</b>					
BL	OL	AL	ELL		Quizzes and Tests*		p. 189	p. 190	p. 191	p. 192
BL	OL	AL	ELL		Authentic Assessment with Rubrics		p. 20	p. 20	p. 20	p. 20
BL	OL	AL	ELL		Standardized Test Practice			p. 31		p. 31
BL	OL	AL	ELL		ExamView® Assessment Suite CD-ROM		16–1	16–2	16–3	Ch. 16
BL	OL	AL	ELL		Interactive Tutor Self-Assessment CD-ROM	✓	✓	✓	✓	✓
					<b>CLOSE</b>					
BL			ELL		Reteaching Activity, URB*		p. 59	p. 59	p. 59	
BL	OL		ELL		Reading and Study Skills Foldables Activity	p. 80		p. 81	p. 81	
BL	OL	AL	ELL		Civics Today in Graphic Novel	p. 69			p. 69	
BL	OL	AL	ELL		Graphic Organizer Transparencies & Strategies	✓	✓	✓	✓	✓

## Teaching Word Processing

Glencoe TechCONNECT™ is an engaging, activities-based online program that enhances comprehension of core subjects while teaching technology skills.

### Objective

- Students will learn to create various word processing documents and use advanced features.

### Technology

- Glencoe TechCONNECT™ (For more information or to get a free 30-day trial of Glencoe TechCONNECT™ for your classroom, **visit [techconnect.glencoe.com](http://techconnect.glencoe.com) and click the Free Trial button.**)
- Word processing application software, such as Microsoft Word, Microsoft Works 6.0, or AppleWorks 5 or 6

### Focus/Teach

- To see activities correlated to this textbook, log on to TechCONNECT™ and click the “Find your text

book” link. You can also search for activities. After you log on, click Activity Search. Choose Social Studies, Word Processing, and your grade level.

- Have students log on and enter the letters AC and the three-digit activity number. For example, to access activity #11, Divided We Stand: The Election of 1800, enter AC011.
- Have students read each page of the activity and follow the on-screen instructions.

### Assess

- Have students complete the activity’s self-assessment rubric.
- Students may also complete the activity’s TechCheck, a five-question multiple-choice quiz. Enter the letters TC and the three-digit activity number, such as TC011.

### Close

- Review this activity with the class.



	Student	Teacher	Parent
Beyond the Textbook	•	•	•
Chapter Overviews	•	•	•
Concepts in Motion	•		•
ePuzzles and Games	•		•
Glencoe Teaching Today		•	
Literature Connections		•	
Multi-Language Glossaries	•		•
Online Student Edition	•	•	•
Section Videos	•	•	•
Self-Check Quizzes	•		•
Student Web Activities	•		•
Study Central™	•		•
TIME Current Events	•		•
Vocabulary eFlashcards	•		•
Web Activity Lesson Plans		•	



## Reading List Generator CD-ROM

## BOOKLINK 3

Use this database to search more than 30,000 titles to create a customized reading list for your students.

- Reading lists can be organized by students' reading level, author, genre, theme, or area of interest.
- The database provides Degrees of Reading Power™ (DRP) and Lexile™ readability scores for all selections.
- A brief summary of each selection is included.

### Leveled reading suggestions for this chapter:

#### For students at a Grade 7 reading level:

- *Penn*, by Elizabeth Janet Gray

#### For students at a Grade 8 reading level:

- *Miranda v. Arizona: The Rights of the Accused*, by Liz Sonneborn

#### For students at a Grade 9 reading level:

- *The Supreme Court*, by Gerald W. Johnson

#### For students at a Grade 10 reading level:

- *Mary Ann Shadd Cary: The Black Press and Protest in the Nineteenth Century*, by Jane Rhodes

#### For students at a Grade 11 reading level:

- *Brown v. Board of Education: The Case Against School Segregation*, by Wayne Anderson

## READING SUPPORT FROM JAMESTOWN EDUCATION

- **Timed Readings Plus in Social Studies** helps students increase their reading rate and fluency while maintaining comprehension. The 400-word passages are similar to those found on state and national assessments.
- **Reading in the Content Area: Social Studies** concentrates on six essential reading skills that help students better comprehend what they read. The book includes 75 high-interest nonfiction passages written at increasing levels of difficulty.
- **Reading Social Studies** includes strategic reading instruction and vocabulary support in Social Studies content for both ELLs and native speakers of English.
- **Content Vocabulary Workout** (Grades 6–8) accelerates reading comprehension through focused vocabulary development. Social Studies content vocabulary comes from the glossaries of Glencoe's Middle School Social Studies texts. [www.jamestowneducation.com](http://www.jamestowneducation.com)

## KEY Teacher Wraparound

Use this key to help you identify the different types of prompts found in the Teacher Wraparound Edition.

**R** **Reading Strategies** activities help you teach reading skills and vocabulary.

**C** **Critical Thinking** strategies help students apply and extend what they have learned.

**D** **Differentiated Instruction** activities provide instruction for students learning to speak English, along with suggestions for teaching various types of learners.

**S** **Skill Practice** strategies help students practice historical analysis and geography skills.

**W** **Writing Support** activities provide writing opportunities to help students comprehend the text.

Teaching strategies and activities have been coded for ability level appropriateness.

**AL** Activities for students working above grade level

**OL** Activities for students working on grade level

**BL** Activities for students working below grade level

**ELL** Activities for English Language Learners



## Focus

## Why It Matters

**Ask:** What does it mean when we say, “The judicial branch of government is charged with interpreting the law”? (To help students realize that the law requires interpretation, remind them of the First Amendment, which says, “Congress shall make no law . . . abridging the freedom of speech . . .”) **Ask:** Does this mean that we can say anything we want to about someone else? If not, then where is the line drawn? (The judiciary makes these decisions.)

## More About the Photo

**Visual Literacy** During the late 1800s, many counties across the country built large, beautiful courthouses, like this one in New Bern, North Carolina. These buildings were important symbols of self-government and the rule of law. The Americans who built them believed their grandeur would help to impress all who entered the courts with the majesty and sovereignty of the law.

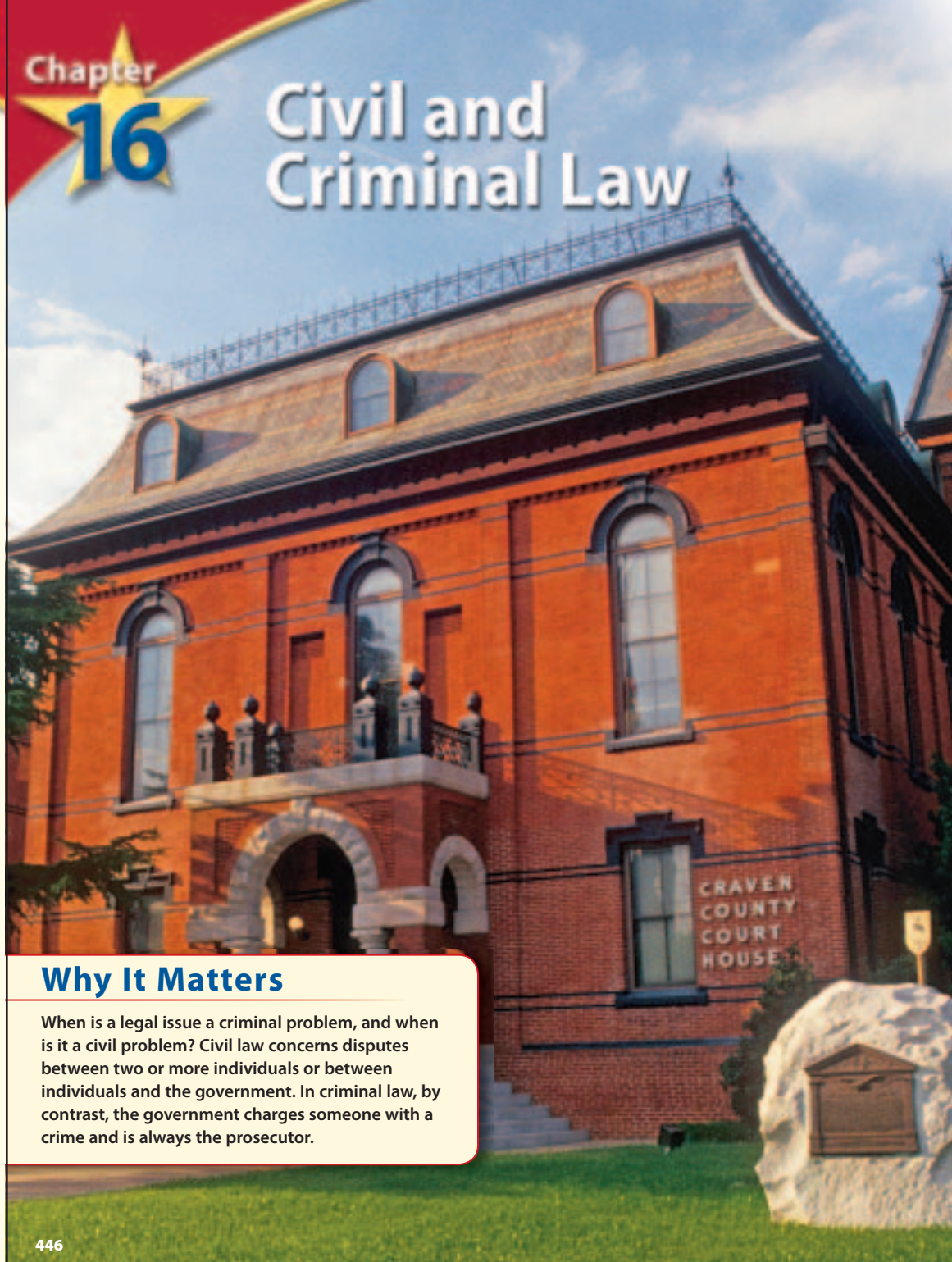
## Teach

**BIG Ideas** As you begin teaching each section, use these questions and activities to help students focus on the Big Ideas.

## Section 1

**Civil Cases** **Ask:** Why is it important for the legal system to provide ways for citizens to settle private disputes? If there were no civil courts, how might people try to settle such disputes? (The legal system provides a safe and orga-

## Civil and Criminal Law



## Why It Matters

When is a legal issue a criminal problem, and when is it a civil problem? Civil law concerns disputes between two or more individuals or between individuals and the government. In criminal law, by contrast, the government charges someone with a crime and is always the prosecutor.

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nized way for people to settle their disputes. If not for the courts, people may perform rash or irrational actions to “prove” they are right.) In Section 1, students will learn how the civil courts help to settle disputes between citizens or between a citizen and the government. **OL**

## Section 2

**Criminal Cases** **Ask:** What kinds of crimes harm another person? (robbery, kidnapping, murder) What kinds of crimes might be seen as harming society as a whole? (arson, drug dealing, counterfeiting) Explain to students that in Section 2 they will learn about criminal law, in which the government can charge a citizen with a crime if a law that harms another person or society as a whole has been broken. **OL**

# BIG Ideas

## Section 1: Civil Cases

**The judicial branch of government is charged with interpreting the law.** America's courts decide thousands of civil cases each year.

## Section 2: Criminal Cases

**The Constitution of the United States establishes and protects the individual's fundamental rights and liberties.** Thousands of criminal cases each year help define Americans' rights and enforce law and order.


## Section 3: Young People and the Courts

**The Constitution of the United States establishes and protects the individual's fundamental rights and liberties.** A separate legal system, the juvenile justice system, handles the cases of young people in trouble with the law.

### FOLDABLES<sup>TM</sup> Study Organizer

### Dinah Zike's Foldables

**Purpose** This Foldable helps students to organize and compare information about the procedures of the adult and the juvenile justice systems. The completed Foldable will include a Venn diagram showing procedures unique to each system and procedures shared by both systems. **OL**

 More Foldables activities for this chapter can be found in the *Dinah Zike's Reading and Study Skills Foldables* ancillary.

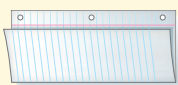
### Civics ONLINE

Introduce students to chapter content and key terms by having them access the **Chapter Overview** at [glencoe.com](http://glencoe.com).

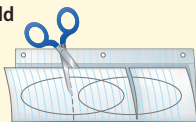
### FOLDABLES<sup>TM</sup> Study Organizer

**Comparing Foldable** Make the following Foldable to help you compare the details and procedures of the juvenile and adult justice systems.

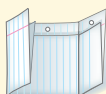
**Step 1** Fold a sheet of paper in half from side to side.



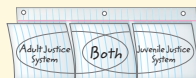
**Step 3** Draw intersecting circles on the front as shown. Cut along the fold lines to make three flaps.



**Step 2** Turn the paper and fold into thirds. Unfold the paper.



**Step 4** Label the circles as shown.



### Reading and Writing

As you read the chapter, make notes under each flap about the processes of the different justice systems. Under the flap labeled "both," put anything the two justice systems have in common.

## Section 3

**Young People and the Courts** Ask: **Why does the legal system treat juvenile offenders differently?** (*Juveniles often commit crimes for very different reasons than adults and, thus, need to be treated differently.*) Explain to students that in Section 3 they will learn about the juvenile justice system and ways that young people who are charged with crimes are treated differently than adults. **OL**

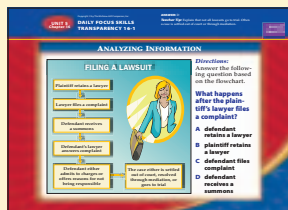


# Focus



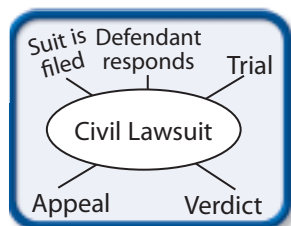
## Bellringer

Daily Focus Transparency 16-1



## Guide to Reading

Answers to Graphic:



## Section Spotlight Video

To learn more about civil cases, have students watch the Section Spotlight Video for this section.

## Resource Manager

## Guide to Reading

### Big Idea

The judicial branch of government is charged with interpreting the law.

### Content Vocabulary

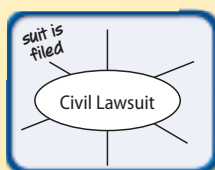
- complaint (p. 450)
- summons (p. 450)
- discovery (p. 450)
- settlement (p. 450)

### Academic Vocabulary

- file (p. 449)
- retain (p. 450)
- respond (p. 450)

### Reading Strategy

**Sequencing** Use a graphic organizer like the one below to show the steps in a civil lawsuit.



# Civil Cases

**Real World Civics** Would you like to be judged for some wrongdoing by a group of your peers . . . people your own age? Students all over the world see what it is like to be in a court of law by engaging in a mock trial competition in the YMCA Youth and Government program. The mock trials give young people a chance to practice resolving problems in a democratic manner and to learn about the court system. Over 44 teams across the nation compete, along with high school students from Guam, the Mariana Islands, and South Korea.

▼ Teens argue a mock trial case



## Reading Strategies

### Teacher Edition

- Using Word Parts, p. 449
- Identifying, p. 450

### Additional Resources

- Cont. Vocab., URB p. 43
- Ac. Vocab., URB p. 45
- Guid. Read., URB p. 61



## Critical Thinking

### Teacher Edition

- Det. Cause/Effect, p. 449
- Making Inferences, p. 450

### Additional Resources

- Econ. Act., URB p. 5
- Biographies, URB p. 47
- Quizzes and Tests, p. 189



## Differentiated Instruction

### Teacher Edition

- English Learners, p. 451

### Additional Resources

- Reteach. Act., URB p. 59



## Writing Support

### Teacher Edition

- Expository Writing, p. 451

### Additional Resources

- Authentic Assessment, p. 20



## Skill Practice

### Teacher Edition

- Analyzing Visuals, p. 450

### Additional Resources

- Chart, Graph, and Map Skills, URB p. 53
- Daily Focus Trans., 16-1
- Pol. Cartoons Trans. 16

# Teach

## Reading Strategy

**Using Word Parts** To help students understand the terms “plaintiff” and “defendant,” have them look up those terms in a dictionary that includes word derivations. (The root of “plaintiff” is Old French, “plaintif”—aggrieved or injured. The root of “defendant” is from the Latin, “defendere”—to ward off.) **AL**

## Critical Thinking

**Determining Cause and Effect** **Ask:** What might cause a person to file a civil lawsuit? (an accident or injury in which there was negligence or because of a property, family, or contract dispute) **OL**

# TIME Political Cartoons

1. Students may say that the driver didn't think the government should tell people what to do.
2. He is thrown through the windshield as a result of an accident.
3. The cartoonist favors seatbelt laws.
4. Answers will vary. Students should give reasons for their positions.

**Reading Check** **Answer:** the person who brings, or starts, the suit and seeks damages for some wrongdoing

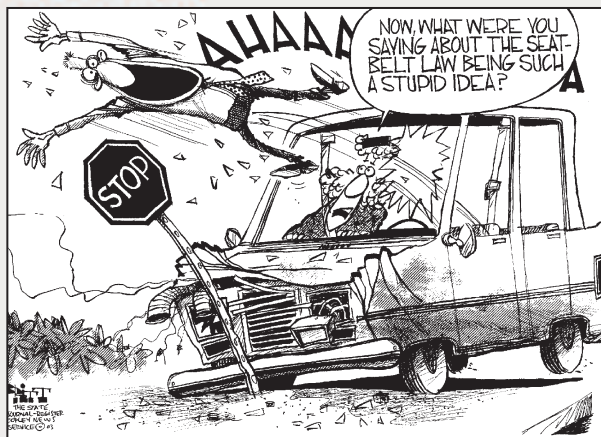
## Differentiated Instruction

### Differentiated Instruction Strategies

- BL** Read the diagram aloud. Tell what “process of discovery” means.
- AL** Explain how civil lawsuits can find defendants guilty of crimes for which they had been acquitted in criminal proceedings.
- ELL** Define “arbitration,” “process of discovery,” and “verdict.” Write a sentence for each word.

# TIME

## Political Cartoons



—Chris Britt/Copley News Service

Chris Britt, the creator of this cartoon, is making a comment on laws that require drivers to wear seatbelts.

1. Why might the driver consider the seatbelt law “a stupid idea”?
2. What proves him wrong?
3. Does the cartoonist favor or oppose seatbelt laws?
4. What is your position on seatbelt laws? Explain.

## Civil Lawsuits

**Main Idea** Civil lawsuits may involve property disputes, a breach of contract, family matters, or personal injury.

**Civics & You** The presidential election of 2000 was a disputed election. Read to find out why it ended up in the Supreme Court.

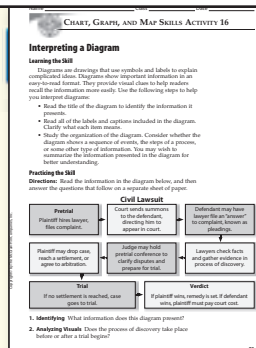
In November 2000, residents of Palm Beach County in Florida **filed**, or registered, a civil lawsuit against the Palm Beach County Canvassing Board, their election authority. The residents argued that a flaw in the ballot format caused them to vote for candidates other than the candidate for whom they intended to vote. This civil suit led to a recounting of votes and reached the Supreme Court. The Court's ruling led to George W. Bush's winning the presidency in 2000.

## Why Do People File Civil Suits?

In civil cases the plaintiff—the party bringing a lawsuit—claims to have suffered a loss or injury to themselves and usually seeks damages, an award of money from the defendant. The defendant—the party being sued—argues either that the loss or injury did not occur or that the defendant is not responsible for it. The court's job is to provide a place to resolve the differences between the plaintiff and the defendant.

Courts hear many different kinds of civil lawsuits. Lawsuits may involve property disputes, breaches of contract, or family matters involving two or more parties. Many lawsuits deal with negligence, or personal injury. A negligence suit is filed when someone has been injured or killed or when property has been destroyed because someone else has been careless, or negligent.

**Reading Check** **Identifying** Who is the plaintiff in a civil lawsuit?



Chart, Graph, and Map Skills Activity 16, URB pp. 53–54

## Interpreting a Diagram

- Objective:** To understand the steps of and impacts of civil lawsuits
- Focus:** Have students identify the format of the diagram on page 53.
- Teach:** Discuss how to read the diagram.
- Assess:** Have students interpret the diagram on page 54.
- Close:** Discuss the impact of landmark rulings.



## R Reading Strategy

**Identifying** Ask: What are some examples of discoveries? (scientific or geographic evidence) Ask: Why is the process during which lawyers for each side seek information called “discovery”? (They can check facts, gather evidence, and interview witnesses.) **OL**

## C Critical Thinking

**Making Inferences** Ask: What makes a case weak or strong? (Answers should indicate an understanding that a strong case means the other side was clearly at fault.) **OL**

## S Skill Practice

**Analyzing Visuals** Ask: Why do some of the arrows on the chart go both ways? (to indicate communication back and forth between attorneys on a case) **OL**

### Analyzing Charts

#### Answers:

1. The plaintiff’s attorney files a complaint.
2. Attorneys for both sides argue cases in court.

## Hands-On Chapter Project Step 1

## Understanding the Legal System

**Step 1: Persuasive Writing** Students will learn more about the different aspects of the legal system of the United States by writing complaints and answers.

**Directions:** Organize the class into groups of four. Have pairs of students work together

## The Process in a Civil Case

**Main Idea** Civil lawsuits follow a specified legal procedure.

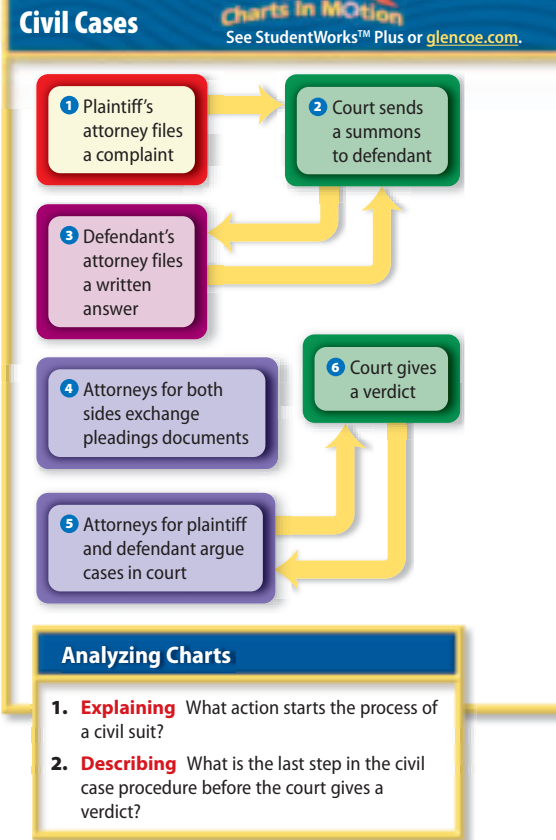
**Civics & You** Despite what you see on TV, lawsuits do not always end up dramatically in court. Read to find out what happens to most of them.

Let us look at how a lawsuit proceeds through the court system. Suppose you are riding in a city bus one day and suffer head injuries and a broken arm when the bus is in an accident. You decide to file a lawsuit against the city to recover the costs of hospital and doctor bills, lost income from days missed at work, and other expenses. You become the plaintiff, or person filing the lawsuit. The party you are suing, in this case the city, is the defendant.

### Bringing Suit

You start the process by **retaining**, or hiring, a lawyer, who files a **complaint** with the court. The complaint is a statement naming the plaintiff and the defendant and describing the lawsuit. The court sends the defendant (the city) a **summons**, a document that announces that the defendant is being sued, and sets a date and time for an appearance in court.

**The Defendant’s Response** The defendant’s attorneys may **respond**, or react, to the charges by filing an “answer” to the complaint. The answer will either admit to the charges or offer reasons the defendant is not responsible for the injuries the plaintiff is claiming. The complaint and the answer together are referred to as pleadings. Before going to trial, the lawyers on each side have an opportunity to check facts and to gather evidence by questioning the other party and possible witnesses. This process is called **discovery**.



**Pretrial Hearing** Before the trial, the judge might call a conference to help clarify differences between the two sides. At this stage you and your lawyer might decide that your case looks weak, and you may want to drop the suit. Or the city may conclude that your case is very strong and that you are likely to win your suit. The city may, therefore, offer you a **settlement**, in which the parties agree on an amount of money that the defendant will pay to the plaintiff.

Another way to resolve disputes is by a process called mediation. During mediation, each side is given the opportunity to explain

to search for information on the Internet or in the print media about a civil case they find interesting. Have them provide two copies of all the information they find. Pairs should continue working in their groups of four to write both the plaintiff’s complaint in their case or to write the defendant’s response, or answer.

**Class discussion:** Have a volunteer from each group read the documents aloud to the class. Lead a discussion of the strong and weak points of each party’s case. **OL**  
(Project continued in Section 2)

its side of the dispute and must listen to the other side. A trained mediator helps the two sides find a solution.

The two sides may also agree to submit their dispute to arbitration. This is a process conducted by a professional arbitrator who acts somewhat like a judge by reviewing the case and resolving the dispute.

Most civil cases are settled before trial. Because trials are time-consuming and expensive, all the major participants—the defendant, the insurer, the plaintiff, the judge, and the attorneys—are likely to prefer a settlement.

## Trial

If the parties do not reach a settlement, the case goes to trial. There may be a jury, or more likely, a judge who will hear the case alone. Both sides present their cases.

In criminal trials the prosecution must prove the defendant guilty “beyond a reasonable doubt.” In a civil case the plaintiff has to present only a “preponderance of evidence”—enough to convince the judge or jury that the defendant *more likely than not* was responsible for the incident that caused the damages or injury.

After all evidence has been presented, the judge or jury considers the case and decides on a verdict, or decision, in favor of one party. If the plaintiff wins, a remedy is set. In the case of the bus accident, the remedy might be for the defendant—the city—to pay your medical costs, replace your lost earnings, and compensate you for your pain and suffering with a cash payment. If the defendant wins, the plaintiff—you—gets nothing and must pay court costs for both sides of the lawsuit.

**Appeal** If the losing side believes the judge made errors during the trial or that some other type of injustice took place, it may appeal the verdict to a higher court. Remember that in the hierarchy of the court system, each district has Courts of Appeals to hear local disputes of this nature. In cases in which the plaintiff wins a large cash award, the defendant or the defendant’s insurance company often appeals to have the award reduced. As a result, a winning plaintiff may have to wait years before seeing any of the money the court awarded or, depending on the outcome of the appeals, may end up with nothing.

**Reading Check Explaining** When can the defendant appeal a verdict of a civil lawsuit?

## D Differentiated Instruction

**English Learners Ask:** What does “more likely than not” mean when trying to prove a defendant’s fault? (It means that the defendant probably is at fault.) **ELL**

## W Writing Support

**Expository Writing** Have students write a paragraph explaining why the law would force the plaintiff to pay court costs if he/she loses the case. Include a benefit and a drawback to this requirement. **OL**

**Reading Check Answer:** A defendant can appeal the verdict in a civil lawsuit if the judge made errors in the trial or if an injustice occurred.

## Assess

**Civics ONLINE**

**Study Central™** provides summaries, interactive games, and online graphic organizers to help students review content.

## Close

**Narrative** Have students write an account of an imaginary civil suit, as the plaintiff or the defendant. **OL**

## Section 1 Review

## Section Review

### Vocabulary

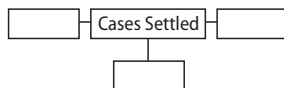
- Write** complete sentences using each of the following terms: *complaint, summons, discovery, settlement.*

### Main Ideas

- Describing** In civil cases, what is the plaintiff usually seeking?
- Identifying** What is the purpose of the discovery phase of a civil trial?

### Critical Thinking

- BIG Ideas** In your opinion, should civil cases be tried before a jury? Why or why not?
- Sequencing** Use a graphic organizer similar to the one below to summarize the reasons that most civil cases are settled before trial.



### CITIZENSHIP Activity

- Expository Writing** Find a newspaper story about a civil lawsuit. Write a summary about the nature of the dispute and the way the lawsuit was resolved. Use the information in this section to make sure the details of your summary are accurate.

**Civics ONLINE**

**Study Central™** To review this section, go to [glencoe.com](http://glencoe.com).

## Answers

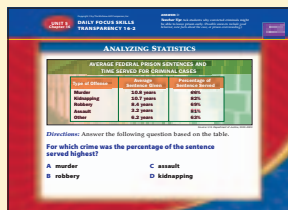
- Sentences should use vocabulary words according to their definitions in the section and in the Glossary.
- The plaintiff usually seeks a cash award.
- The purpose of discovery is to allow each side to check facts, to secure evidence, and to question the other party and possible witnesses.
- Responses will vary. Some students may feel a civil trial would receive a fair result from a jury; others may feel it would be better to have a judge decide the outcome.
- The graphic should show the following three reasons that cases are often settled before trial: mediation, arbitration, or settlement.
- Students may find a wide variety of newspaper stories. Make sure that their summaries reflect an accurate understanding of the legal process in civil cases.

## Focus



### Bellringer

Daily Focus Transparency 16–2



## Guide to Reading

Answers to Graphic:

1. hearing
2. arraignment
3. trial
4. verdict
5. sentencing

### Section Spotlight Video

To learn more about criminal cases, have students watch the Section Spotlight Video for this section.

## Resource Manager

## Guide to Reading

### Big Idea

The Constitution of the United States establishes and protects the individual's fundamental rights and liberties.

### Content Vocabulary

- prosecution (p. 453)
- crime (p. 453)
- penal code (p. 453)
- parole (p. 454)
- mandatory sentencing (p. 454)
- arraignment (p. 456)
- testimony (p. 457)
- cross-examine (p. 457)
- acquittal (p. 458)
- hung jury (p. 458)

### Academic Vocabulary

- function (p. 453)
- confine (p. 453)
- sufficient (p. 456)

### Reading Strategy

**Sequencing** Outline the procedures that take place in a criminal case after an arrest is made.

1. hearing
2.
3.
4.
5.

## Criminal Cases

**Real World Civics** Those serving time in prison do not have a lot of choices, but most can get their high school diplomas if they take courses offered. Almost half the inmates in state prisons do not have a high school degree. These Arkansas prisoners received their GED diplomas through a tutoring program provided by the state prison system. Why is this an important service for the state governments to provide?

▼ Inmates achieve high school graduation



### R Reading Strategies

#### Teacher Edition

- Skimming, p. 453
- Act. Prior Know., p. 456
- Using Word Parts, p. 456

#### Additional Resources

- Pri. Source Read., URB p. 15
- Cont. Vocab., URB p. 43
- Ac. Vocab., URB p. 45
- Guid. Read., URB p. 62

### C Critical Thinking

#### Teacher Edition

- Drawing Conclusions, pp. 453, 454
- Comparing, p. 457

#### Additional Resources

- Biographies, URB p. 47
- Crit. Think., URB p. 51
- Quizzes and Tests, p. 190

### D Differentiated Instruction

#### Teacher Edition

- Verbal/Linguistic, p. 457
- Interpersonal, p. 458

#### Additional Resources

- Diff. Instr., URB p. 55
- School-to-Home Conn., URB p. 57
- Reteach Act., URB p. 59

### W Writing Support

#### Teacher Edition

- Personal Writing, p. 455
- Expository Writing, p. 455

#### Additional Resources

- Writing Skills Act., URB p. 49
- Authentic Assessment, p. 20

### S Skill Practice

#### Teacher Edition

- Analyzing Graphs, p. 454

#### Additional Resources

- Daily Focus Trans., 16–2



## What Is a Criminal Case?

**Main Idea** In criminal cases, defendants are charged with crimes, and if convicted, they are sentenced as punishment.

**Civics & You** Have you ever received a punishment for something you did? Read to find out how society deals with punishment.

**C**riminal law cases are those in which the state or federal government charges someone with a crime. The government is always the **prosecution**—the party who starts the legal proceedings against another party for a violation of the law. The person accused of the crime is the defendant. A **crime** is an act that breaks a federal or state criminal law and causes harm to people or society.

**The Criminal Justice System** The state and federal courts, judges, lawyers, police, and prisons that have the responsibility for enforcing criminal law make up the criminal justice system. There is a separate juvenile justice system with special rules and procedures for handling cases dealing with juveniles, who in most states are people under the age of 18. You will read about the juvenile justice system in Section 3.

**The Penal Code** Crimes are defined in each state's written criminal laws, called the **penal code**. A state's penal code also spells out the punishments that go with each crime. In general, the more serious the crime, the harsher the punishment will be. The federal government also has a penal code that defines federal crimes such as income tax evasion, kidnapping, and drug smuggling.

### Types of Crime

Persons convicted of misdemeanors may be fined or sentenced to one year or less in jail. Some misdemeanors, such as illegal gambling, are considered victimless crimes—no

one individual has been harmed, and often no direct punishment is enacted. Serious crimes, such as burglary, kidnapping, arson, manslaughter, and murder, are considered felonies. These crimes are punishable by imprisonment for a year or more. In the case of murder, the punishment could be death.

People convicted of felonies may also lose certain civil rights such as the right to vote, possess a firearm, and serve on a jury. Further, they may lose employment opportunities in some careers such as the military, law, teaching, and law enforcement.

Misdemeanors may sometimes be treated as felonies. Drunk driving, for example, is often a misdemeanor. However, if a person has been arrested for drunk driving before and has been convicted of the same offense, that person may be charged with a felony.

### Penalties for Crimes

Criminal penalties serve several **functions**, or purposes. They provide punishment so that a criminal pays for an offense. They help protect society by keeping dangerous lawbreakers **confined**, or enclosed, in prison. Criminal penalties can also keep other people from committing the same crimes by serving as warnings to deter others.

**GPS** Global Positioning Systems, electronic devices such as the one being attached below, monitor those under house arrest, often attached to the ankle.

**Speculating** What kinds of crimes are punished by this method?



## Teach

### R Reading Strategy

**Skimming** Have students skim the information on page 453. **Ask:** What are the two basic categories of crimes? (felonies and misdemeanors) **BL**

### C Critical Thinking

**Drawing Conclusions** **Ask:** Why might people convicted of felonies lose civil rights such as the right to vote, to own firearms, or to serve on a jury even after they have served their prison sentences? (Some crimes are so severe that a loss of civil rights can be considered part of the punishment for the crimes.) **Do you think this is just or unjust?** (Students' answers may vary. Make sure that they give reasons for their positions.) **OL**

#### Caption Answer:

People under house arrest are probably guilty of lesser crimes, or misdemeanors.

### Additional Support

### Activity: Interdisciplinary Connection

**Law** Have an attorney or an American history teacher visit your classroom and talk with students about how laws have changed over the course of our nation's history. Some examples of laws that have changed might include immigration laws; laws that restricted voting, such as the poll tax; Prohibition; drunk driving laws; the juvenile justice system; divorce and child custody laws;

laws that allowed people to buy their way out of the draft; laws that segregated or allowed segregation of citizens by race or gender; and so on.

If time permits, have students choose one of these areas and write a report about how laws and attitudes have changed based on library or Internet research. **OL**

## S Skill Practice

**Analyzing Graphs** Ask: Based on this map and bar graph, rank the regions of the country, from highest violent crime rate to lowest. (the Northeast, the South, the Midwest, the West) Ask: What crimes would not be called either property crimes or violent crimes? (underage drinking, drug dealing) **AL**

## C Critical Thinking

**Drawing Conclusions** Ask: Because of the growing support for mandatory sentencing laws that strip judges and parole boards of the power to make sentences lighter, what can you conclude about jails and prisons? (They are filled to capacity or overflowing.) **OL**

### Analyzing Graphs and Maps

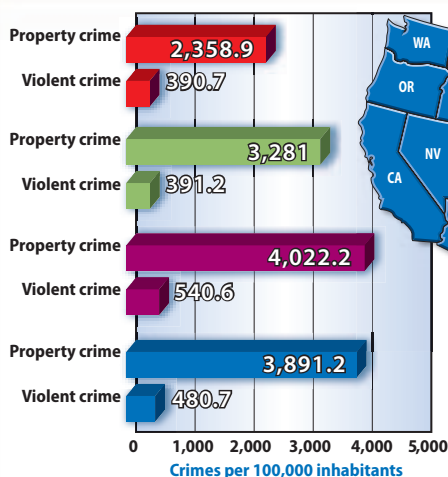
#### Answers:

1. The highest property crime rate is in the South.
2. The Northeast and the Midwest probably have similar violent crime rates because of a similarity in populations.

## Differentiated Instruction

### U.S. Regional Crime Rates in 2004

Maps in Motion  
See StudentWorks™ Plus or glencoe.com.



Source: Department of Justice: Federal Bureau of Investigation; Crime in the United States, 2004.

### Analyzing Graphs and Maps

1. **Comparing** Which part of the country has the highest property crime rate?
2. **Analyzing Cause and Effect** The Northeast and Midwest have similar violent crime rates. Why?

Finally, criminal penalties can help prepare lawbreakers to reenter society after their prison terms have ended. Through counseling, education, and job training, some prisons help inmates learn skills that will help them lead productive, noncriminal lives after prison. Some prisons even support money-making businesses from inmate-made items prisoners have been trained to produce.

**Sentencing** Determining the sentence, or punishment, of a person convicted of a crime is one of the more complicated and difficult aspects of the criminal justice system. Because the circumstances in each case are different, judges may hand down very different sentences for similar crimes.

In the past, many states used a system of indeterminate sentences in penalizing criminals. An indeterminate sentence is one in which a judge gives a minimum and maximum sentence.

Some prisoners become eligible for **parole** after serving part of their sentences. A parole board decides whether or not to grant a prisoner early release from prison. If parole is granted, the person must report to a parole officer until the sentence expires.

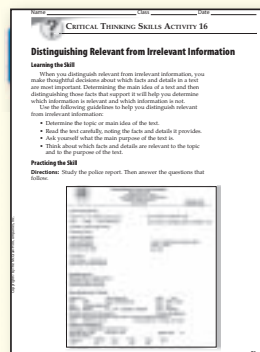
**Mandatory Sentencing** Critics of the parole system claim that many sentences end up much shorter than intended. In answer to this criticism, some states have established **mandatory sentencing**, which means that judges must impose whatever sentence the law directs. Opponents of mandatory sentencing, though, claim that in some cases, the judge should be able to impose harsher sentences than the law directs.

## Distinguishing Relevant from Irrelevant Information

- Objective:** To determine important parts of a police report
- Focus:** Students learn to distinguish relevant from irrelevant information.
- Teach:** On the board, list the details under the headings "Relevant" and "Irrelevant."
- Assess:** Have students cite the most important details from the report.
- Close:** Have students explain why these details are relevant.

### Differentiated Instruction Strategies

- BL** Tell where the car was stolen and how you know that information.
- AL** Explain what information on the police report a prosecuting attorney would find most essential. Explain your reasoning.
- ELL** Tell what "dispatch," "event location," and "vehicle" mean. Write a sentence for each word.



**Sentencing Options** Judges follow basic sentencing options (from least serious to most serious): suspended sentence—a sentence is given but not served at that time; probation—the defendant has supervised release; home confinement—defendant is required to serve his or her sentence at home, closely monitored; a monetary fine—damages are paid; restitution—the defendant is required to pay back or make up for damages; work release—the defendant is allowed to work but must return to prison at night and on weekends; imprisonment—the defendant is confined to an institution to serve sentence; death—the defendant is sentenced to die for his or her crime in the state where this is mandated.

Many states are giving judges more sentencing options. Among these are shock

incarceration, intensive-supervision probation or parole, and house arrest. Shock incarceration involves shorter sentences in a highly structured environment where offenders participate in work, community service, education, and counseling.

Intensive-supervision probation or parole keeps high-risk offenders in the community but remaining under close supervision that involves frequent home visits or even nightly curfew checks. The offender often wears an electronic device that continually signals his or her location. A related alternative sentence is house arrest, which requires an offender to stay at home except for certain functions the court permits.

**Reading Check Explaining** Why have some states established mandatory sentencing?

**Criminal Evidence** Brooklyn, New York, authorities collected evidence of criminal gambling activities that will be presented in court. **Explaining** Why is illegal gambling considered a victimless crime?



## W<sub>1</sub> Writing Support

**Personal Writing** Have students write two paragraph-long versions of a story about the same crime. In the first version they will write a story in which they believe the person who commits the crime deserves a very harsh penalty; in the second, they will write a story in which the same person who committed the same crime deserves a very light penalty. **OL**

## W<sub>2</sub> Writing Support

**Expository Writing Ask:** What is “shock incarceration”? Have students find three resources on the Internet that describe these programs and write a one-page description of what they find. **BL**

**Reading Check Answer:** Critics of the parole system say that many convicts serve a much shorter term than intended.

### Caption Answer:

Students should understand that unlike assault or burglary, there is no individual who suffers directly as a result of illegal gambling.

## Additional Support

## Activity: Economics Connection

**Making Connections Ask:** Why are judges permitted so many sentencing options that do not include prison time? Explain to students that one important reason is the economics of incarceration. It is very expensive to operate a prison and to provide food, clothes, and a safe and secure environment

for prisoners. Tell students that the U.S. has the highest incarceration rate in the world and, in many states, “corrections” expenditures have become the single largest item in the budget.

Organize the class into three groups. Ask one group to research and report on each

of the following: (1) causes of growing prison costs, (2) efforts that are being made to reduce costs, and (3) recommendations to keep prison costs affordable for state and federal governments.

Have groups present their findings to the class in the form of oral reports. **OL**



## R<sub>1</sub> Reading Strategy

**Activating Prior Knowledge** Ask: What parts of the Bill of Rights address issues related to criminal procedure? (the 1st, 4th, 5th, 6th, and 8th Amendments.) **OL**

## R<sub>2</sub> Reading Strategy

**Using Word Parts** The terms “indictment” and “arraignment” may be unfamiliar to many students. To help them understand these terms, have them look for each term in a dictionary that gives word origins. (“Arraignment” comes from the Latin *adrationare*, to call to account. “Indictment” comes from Middle English *enditen*, to accuse.) **OL**

### Caption Answer:

Police have databases of fingerprints to which each arrested person’s fingerprints are added. Fingerprints are matched to others that have been discovered at crime scenes or belong to those arrested for other crimes.

# Criminal Case Procedure

**Main Idea** Criminal cases follow several steps, including arrest, hearing, indictment, arraignment, verdict, sentencing, and appeal.

**Civics & You** Do you ever have trouble making up your mind? Read to find out what happens when a jury in a criminal trial has this problem.

**R<sub>1</sub>** You learned earlier that the criminal justice system has the responsibility for enforcing criminal law. Criminal cases follow several steps. At each step defendants are entitled to the protections of due process guaranteed in the Bill of Rights.



**Fingerprinting** Once a criminal suspect is arrested, fingerprints and photographs of them are taken. **Analyzing** Why do the police take fingerprints and what do you think they use the fingerprints for?

## Arrest

Criminal cases begin when police or other law enforcement officers arrest a person on suspicion of having committed a crime. Officers make arrests if they have witnessed a suspected crime, if a citizen has made a com-

plaint or a report of a crime, or if a judge has issued an arrest warrant. When they make the arrest, the officers are required to read the suspect his or her Miranda rights, which you learned about in Chapter 15.

The suspect is taken to a local police station and booked, or charged with a crime. As part of the booking process, the police fingerprint and photograph the suspect. During that time he or she is allowed to call a lawyer. If the suspect cannot afford a lawyer, the state must provide one.

## Hearing, Indictment, and Arraignment

A few hours after being booked, the suspect appears in court and is informed of the charges against him or her. At this time the prosecution must show the judge that there is probable cause—a good reason—for believing the accused committed the crime. The judge then either sends the accused back to jail, sets bail, or releases the accused on his or her own recognizance, or control.

As noted in Chapter 15, in federal courts and many state courts, grand juries decide whether a person should be indicted—formally charged with a crime. Some states use a preliminary hearing instead of a grand jury indictment. In some cases, the prosecutor files an “information,” which claims that there is sufficient, or enough, evidence to bring the accused person to trial.

**R<sub>2</sub>** The defendant then appears in court for a procedure called an **arraignment**. He or she is formally presented with the charges and asked to enter a plea. If the defendant pleads not guilty, the case continues. If the defendant pleads guilty, he or she stands convicted of the crime, and the judge determines a punishment. Another option is for the defendant to plead no contest. A no contest plea means that he or she does not admit guilt but will not fight the prosecution’s case. The effect is much the same as for a guilty plea.

## Differentiated Instruction

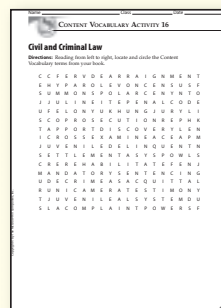
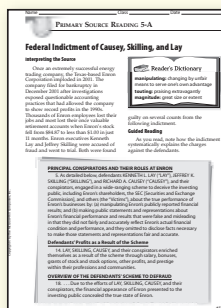
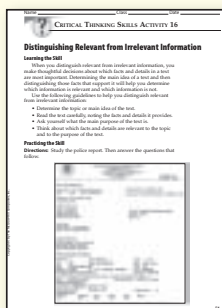
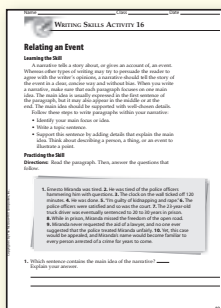
## Leveled Activities

**BL** Writing Skills Activity 16, URB pp. 49–50

**OL** Crit. Think. Skills Act. 16, URB pp. 51–52

**AL** Primary Source Reading 5A, URB pp. 15–16

**ELL** Content Vocabulary Activity 16, URB p. 43



## Trial

If the case goes to trial, the defense lawyer interviews witnesses, studies the laws affecting the case, and gathers information. Although criminal defendants have a constitutional right to a jury trial, many give up that right and have their cases tried before a judge alone in what is called a bench trial.

If the defense asks for a jury trial, the first step when the trial starts is to choose the jurors. Both sides select potential jurors from a large pool of residents within the court's jurisdiction. In most states, residents are called randomly for jury duty. A specific excuse or acceptable reason must be presented for a person to be excused from jury duty. Both sides try to avoid jurors who might be unfavorable to their side. Either side can reject a certain number of jury candidates without giving reasons and can ask the judge to dismiss others for various causes.

**Presenting the Case** After the jury has been selected, the lawyers for each side make opening statements in which they outline the cases they will present. The prosecution and defense then present their cases in turn. Each side calls witnesses who swear that their **testimony**—the answers they give while under oath—will be “the truth, the whole truth, and nothing but the truth.”

After a witness testifies for one side, the other side is allowed to **cross-examine**. The questions asked in cross-examination are meant to clarify testimony but are usually designed to make the witness's original testimony appear unreliable or untrue. Finally, each side makes a closing statement highlighting the testimony and evidence that support it and questioning the other side's testimony and evidence. The judge then “instructs” the jury, or explains the law that relates to the case.

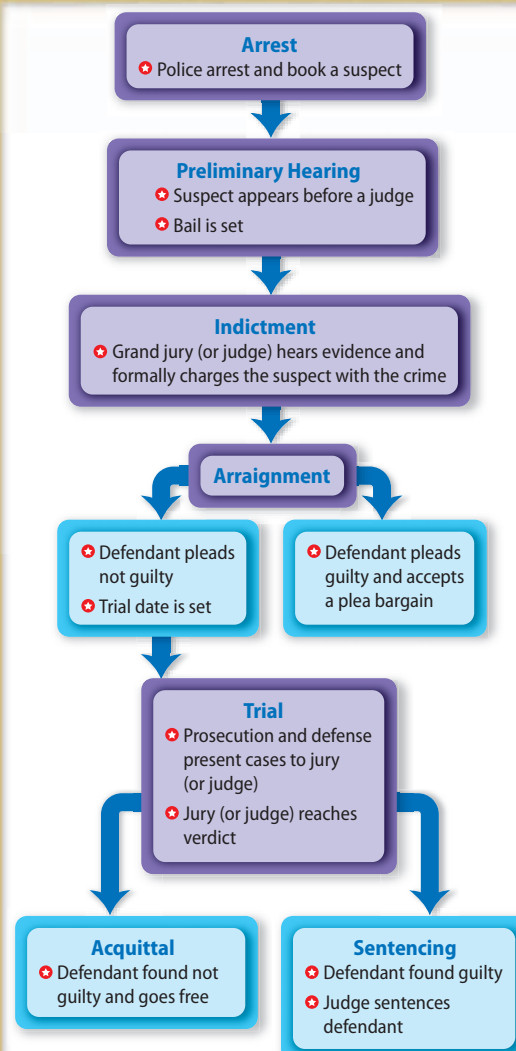


**Student Web Activity** Visit [glencoe.com](http://glencoe.com) and complete the Chapter 16 Web Activity.

## Criminal Cases

Charts in Motion

See StudentWorks™ Plus or [glencoe.com](http://glencoe.com).



### Analyzing Charts

- Explaining** What is the purpose of a preliminary hearing?
- Describing** What are two possible outcomes of an arraignment?

## C Critical Thinking

**Comparing** Ask: What is the difference between a jury trial and a bench trial?

(A jury trial has 12 people deciding a case; a bench trial has only the judge.) **BL**

## D Differentiated Instruction

**Verbal/Linguistic** Ask: How does repetition in the oath “Do you swear to tell the truth, the whole truth, and nothing but the truth” add to its meaning? (The repetition of “truth” emphasizes its importance.) **ELL**



Objectives and answers to the **Student Web Activity** can be found at [glencoe.com](http://glencoe.com) under the Web Activity Lesson Plan for this chapter.

## Analyzing Charts

### Answer:

- prosecutor must show judge probable cause to believe the accused person committed the crime
- defendant pleads “guilty” and is sentenced or “not guilty” and the case continues

## Hands-On Chapter Project Step 2

## Understand the Legal System

**Step 2: Mock Trial** Ask students to choose a criminal case (use the “Landmark Supreme Court Cases” feature on page 459 of the student text or have students find another case on the Internet). Have them break into groups and write skits that show each phase of the procedures in a criminal case after the arrest and booking: hearing, arraignment, trial, verdict, and sentencing.

**Directions:** Have students volunteer to play each of the roles they have written and enact the skits, in chronological order, to show the process of a criminal trial. Tell the “audience” to watch for any inaccuracies based on what they have learned in Section 2 and to discuss these as a group after the presentations. **OL**

(Project continued in Section 3)

## D Differentiated Instruction

**Interpersonal** Have students reread the factors a judge takes into account when sentencing: the defendant's family situation, criminal record, employment, and victim statements. **Ask:** *How might these factors affect the severity of the sentence?* (The judge can give a severe sentence if the defendant has been in trouble before or a lighter sentence if there is family need or a first offense.) **BL**

**✓ Reading Check** **Answer:** The judge usually decides the sentence or takes jury recommendations.

## Assess



**Study Central™** provides summaries, interactive games, and online graphic organizers to help students review.

## Close

**Outlining** Have students review this section by outlining its contents. **OL**

## Section 2 Review

## The Verdict, Sentencing, and Appeal

After the judge gives the jury a set of instructions, the jury goes to the jury room to discuss the case and reach a verdict. After choosing a foreperson to lead the discussion, the jurors review the evidence and legal arguments. Jury deliberations are secret and have no set time limit. Finally, the jurors vote on whether the defendant is guilty or not guilty. To decide that a person is guilty, the jury must find the evidence convincing "beyond a reasonable doubt." In nearly all criminal cases, the verdict must be unanimous. If a jury feels the prosecution has not proven its case, it can decide on acquittal. **Acquittal** is a vote of not guilty, after which the defendant is immediately released.

Sometimes a jury cannot agree on a verdict, even after many votes. Then the judge declares a **hung jury** and rules the trial a mistrial. With a mistrial, the prosecution must decide whether to ask for a retrial.

**Sentencing** If a defendant is found guilty, the judge sets a court date for sentencing. In some cases, a jury recommends a sentence. More often, however, the judge decides on the sentence after considering the defendant's family situation, previous criminal record, employment status, and other information. Sentences often specify a period of time to be spent in prison. Victims of the crime are often allowed to make statements about the sentence, and judges may take those statements into account. Sentences may include a variety of options as discussed earlier in this chapter.

**Appeal** If the defendant is found guilty, the defense may, and often does, appeal the verdict to a higher court. (If the case is a capital case, or one involving the death penalty, the appeal could go directly to the state supreme court.) Usually an appeal contends that the judge made errors or that the defendant's constitutional rights were violated.

**✓ Reading Check Explaining** If a defendant is found guilty, who or what decides his or her sentence?

## Section Review 2

### Vocabulary

- Write** a paragraph using six of the following key terms in a paragraph that relates to criminal cases: *prosecution, crime, penal code, parole, mandatory sentencing, arraignment, testimony, cross-examine, acquittal, hung jury.*

### Main Ideas

- Describing** What is included in a state's penal code?
- Identifying** What are the seven basic steps in a criminal case?

### Critical Thinking

- Concluding** Why do you think judges allow some suspects to be released on their own recognizance?
- BIG Ideas** Using a graphic organizer like the one below, list the major participants in a trial.
- Analyzing Visuals** Review the crime rate map/graph on page 454. How does your region compare with others?



### CITIZENSHIP Activity

- Persuasive Writing** Should judges be allowed to hand down sentences based on the characteristics of individual cases and defendants, or should they follow mandatory sentencing guidelines? Write a newspaper editorial on the subject.



**Study Central™** To review this section, go to [glencoe.com](http://glencoe.com).

## Answers

- Paragraphs should use vocabulary words according to their definitions in the section and in the Glossary.
- A penal code sets out the state or federal criminal laws and the punishments that go with each crime.
- The seven steps are arrest; hearing, or indictment; arraignment; trial; verdict; sentencing; and appeal.
- Student answers may vary but may include the idea that people are innocent until proven guilty, and if the defendant is not likely to flee or commit other crimes while waiting for trial, there is no justification for charging bail or locking him or her up.
- This web diagram should be identical to the one in the student text, with arms labeled: defendant, judge, prosecutor, jury.
- Students' answers will vary based on region.
- Editorials should supply reasoning that supports their positions.



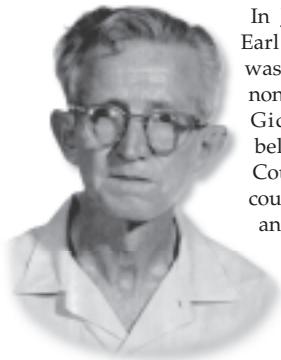


## Gideon v. Wainwright

*In the 1930s, the Supreme Court ruled that the Sixth Amendment requires the government to supply lawyers for defendants who cannot otherwise afford one in all federal cases. How did poor defendants acquire Sixth Amendment rights in state courts?*

### Background of the Case

In 1942 the Supreme Court, in *Betts v. Brady*, ruled that the Sixth Amendment did not require states to appoint attorneys for people who could not afford them. By way of the Fourteenth Amendment, however, it held that states were required to supply lawyers in cases that held the death penalty.



Clarence Earl Gideon

In June 1961, Clarence Earl Gideon of Florida was accused of theft, a nondeath-penalty crime. Gideon mistakenly believed the Supreme Court had entitled him to court-appointed counsel and so asked for a lawyer. His request was denied, so Gideon defended himself in an intelligent but inadequate manner. The jury found him guilty and the judge sentenced him to five years in prison.

Gideon appealed his conviction claiming, "I knew the Constitution guaranteed me a fair trial, but I didn't see how a man could get one without a lawyer to defend him." The state supreme court refused to review Gideon's case. Gideon appealed his case to the U. S. Supreme Court.

The Supreme Court heard the case after Gideon sent his own petition claiming his Sixth and Fourteenth Amendment rights were violated. Because only lawyers may speak before the Supreme Court, a Washington, D.C., attorney was appointed for Gideon. A Florida lawyer represented Louie Wainwright, head of the state's prisons.

### The Decision

The Supreme Court's ruling came on March 18, 1963. Justice Hugo L. Black wrote the unanimous decision:

*"We accept Betts v. Brady's assumption . . . that a provision of the Bill of Rights which is 'fundamental and essential to a fair trial' is made obligatory upon the States by the Fourteenth Amendment. We think the Court in Betts was wrong, however, in concluding that the Sixth Amendment's guarantee of counsel is not one of these fundamental rights. . . . [A]ny person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him."*

—Justice Hugo L. Black

The Court thus overturned *Betts*. Under the "due process" clause of the Fourteenth Amendment, it found the Sixth Amendment guarantee of counsel binding on state as well as federal courts.

### Why It Matters

Although some states by 1963 already had court-appointed lawyers in nondeath-penalty cases, the *Gideon* decision assured this protection for all. Gideon was retried and found not guilty.

### Analyzing the Court Decision

1. **Explaining** What protection did the *Gideon* decision guarantee?
2. **Describing** How would you summarize the importance of the decision?

Chapter 16 459

## Background

**Gideon v. Wainwright** In his first trial, in which Gideon was denied legal representation and had to defend himself, one piece of testimony that was damaging to him was from a taxi driver who had picked up Gideon at the pool hall on the night of the break-in. He testified that Gideon had said to him, "Don't tell anyone you picked me up."

When this same taxi driver was questioned at Gideon's second trial, Gideon's lawyer asked the driver whether Gideon had ever made the same request of him at other times. The driver said yes, Gideon always made the same request. Point out how different the driver's testimony looks once you know that Gideon said the same thing every time he took a cab.



## Teach

The decision in *Gideon v. Wainwright* was made by the Warren Court as part of a series of dramatic decisions that changed everyday life in the U.S. and moved social institutions in a more liberal direction. Many liberals and civil libertarians hailed these decisions as closing an unjust gap between the rights of the majority and the rights of the poor and minorities. But many other Americans believed that the Supreme Court was overstepping its proper role. The debate over the legacy of the Warren Court continues to this day.

### ANALYZING THE COURT DECISION

#### Answers:

1. The decision in *Gideon* guaranteed that all defendants would have legal counsel.
2. The case was important because poor people, who had sometimes been wrongly convicted because they could not afford to hire a lawyer, were for the first time guaranteed legal representation in all the nation's courts.

## Additional Support

**Ask:** What problems might a person have in trying to defend himself or herself in court? (A defendant may not know about proper court procedures, legal precedents, or the importance of various pieces of evidence.)

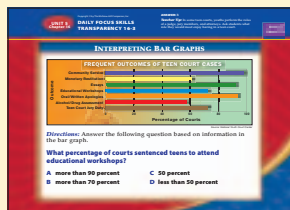
OL

# Focus



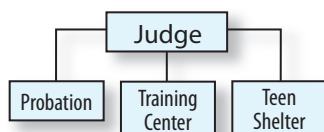
## Bellringer

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## Guide to Reading

Answers to Graphic:



## Section Spotlight Video

To learn more about young people and the courts, have students watch the Section Spotlight Video for this section.

## Resource Manager

## Guide to Reading

### Big Idea

The Constitution of the United States establishes and protects the individual's fundamental rights and liberties.

### Content Vocabulary

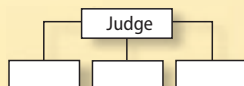
- juvenile (p. 461)
- juvenile delinquent (p. 461)
- rehabilitate (p. 462)

### Academic Vocabulary

- emphasis (p. 463)
- preliminary (p. 463)
- equivalent (p. 463)

### Reading Strategy

**Summarizing** Judges have options when sentencing juvenile offenders. List these options in a graphic organizer like the one below.



# Young People and the Courts

**Citizens in Action** California Youth Authority Juvenile boot camps are one approach to the problem of dealing with teens in trouble. Sent to a boot camp as the result of a court decision, teens here are taught techniques for managing anger and receive treatment for emotional problems. This alternative sentence is meant to help teens who need counseling and education as well as discipline. They are called boot camps due to their similarity to military organizations.

▼ Juvenile offenders line up at California boot camp



## R Reading Strategies

### Teacher Edition

- Identifying, pp. 461, 462
- Outlining, p. 463

### Additional Resources

- Cont. Vocab., URB p. 43
- Ac. Vocab., URB p. 45
- Guid. Read., URB p. 63
- RENTG, p. 156

## C Critical Thinking

### Teacher Edition

- Compare/Contrast, p. 463
- Ident. Cent. Issues, p. 464

### Additional Resources

- Biographies, URB p. 47
- Quizzes and Tests, p. 191

## D Differentiated Instruction

### Teacher Edition

- English Learners, p. 462

### Additional Resources

- Reteach. Act., URB p. 59
- Graphic Novel, p. 69

## W Writing Support

### Teacher Edition

- Expository Writing, p. 463

### Additional Resources

- Authentic Assessment, p. 20

## S Skill Practice

### Teacher Edition

- Assessing Value, p. 461

### Additional Resources

- Daily Focus Trans., 16-3







## D Differentiated Instruction

**English Learners** Have students use a dictionary look up the origin of the word “juvenile.” It comes from the Latin word *juvenis*, which means young. Tell students that sometimes juvenile is used as an insult of sorts, as when an older sister says to a younger sibling about his or her annoying behavior, “That’s so juvenile!” And note that, when they hear an ad for rejuvenating shampoo or face cream, the same root is being used. **ELL**

## R Reading Strategy

**Identifying Ask:** *What two main functions are served by juvenile courts?* (Courts deal with children whose families abuse and neglect them and with young people who have broken the law.) **OL**

## TIME Teens in Action

### Answer:

Answers will vary but should include the idea that because participants must undergo eight weeks of training and must stay in the program for a year, it is a major commitment.

## Hands-On Chapter Project Step 3

## Understanding the Legal System

**Step 3: Designing a Rehabilitation Program** Students will create a rehabilitation plan for a juvenile.

**Directions:** Organize the class into three groups and give them the history of Tina that follows. Each group’s task will be to come up with a plan for rehabilitation and present its findings in the form of a poster.

*Tina, a 15-year-old high school student, was arrested for assault after she got into a fight with another girl at a late-night party at which many of the underage guests were using alcohol. When police took her home, they found three younger siblings asleep and no adult at home. Tina had disciplinary problems at school, including truancy and arguments with teachers. Her mother said that Tina had seemed to be angry and depressed.* **OL**  
(Project continued on the Visual Summary page)

## The Juvenile Justice System

**Main Idea** The juvenile justice system is similar to the adult system, with some important differences.

**Civics & You** The juvenile court system is modeled after the adult court system. Read on to find out how justice is administered in the juvenile court system.

**W**hen juveniles are charged with violating the law, their cases are handled in separate courts called juvenile courts. The primary goal of juvenile courts is to try to **rehabilitate**, or correct a person’s behavior, rather than punish a person. Juvenile courts aim to do whatever is in the best interests of the young people.

Most juvenile court cases begin when police make an arrest. Other cases result from petitions to the courts that school administrators, store managers, or others in contact with children have filed. Parents who cannot control their children’s behavior also may petition a court for help.

## Neglect and Delinquency


Juvenile courts handle two types of cases. Cases of *neglect* involve juveniles whose caregivers neglect or abuse them. A juvenile court has the power to place these youths with other families in foster homes. *Delinquency* cases involve juveniles who commit crimes. Juvenile courts also handle cases in which juveniles perform acts that are illegal for juveniles but not for adults, such as running away from home or violating curfew laws.

## Diversion or Detention?

Most police departments have officers who handle juvenile cases. These officers often have the authority to divert juveniles away from court and into special programs.

TIME Teens in Action

### The Real Thing



**Sarah Carr**

Teens around the United States are acting as official judges, jurors, and lawyers.

Hear ye! Hear ye! Youth Court in Colonie, New York, is in session. Prosecutor Sarah Carr, 16, is questioning Andrew G., 17, the defendant. Carr asks, “Didn’t you know it was wrong?” Andrew G. nods shyly. He knows that shoplifting a \$4.97 popular action figure is not only a petty crime but also a geeky one in the eyes of his high school peers, some of whom are serving on the jury.

In this youth court, the jurors, judge, and lawyers are all teens. The real defendants are limited to first-time offenders who are under the age of 19 and who admit guilt to minor crimes. Sentences are generally creative forms of community service—such as washing police cars—but never jail terms. The record shows that 99 percent of those sentenced complete the required tasks. Doing so keeps their criminal records clean, which is advantageous when completing college and job applications.

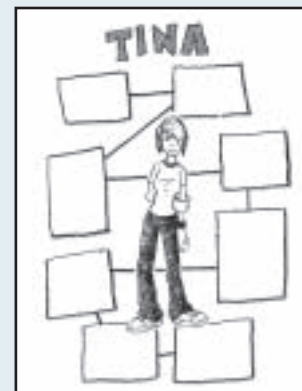
Volunteer defenders and prosecutors, like Carr, undergo eight weeks of training to learn about the judicial process. They serve for at least a year and rotate among the other court roles: judge, bailiff, and jury foreperson. Jurors are untrained volunteers in grades 7 through 12.

Many experts say youth court, which is becoming an institution across the U.S., is helping to relieve the clogged criminal-court systems. Some are run by schools, others by police departments or nonprofit groups.

Making a Difference

CITIZENSHIP

Explain why it takes a strong commitment to take part in this program.



Because the **emphasis**, or importance, is on rehabilitation rather than punishment, the juvenile system offers counseling, job training, and drug-treatment programs to which young people can be diverted.

## The Trial

For juveniles who continue to be held for a crime, the next stage is a **preliminary** hearing, as in the adult system. The court procedure for juveniles is similar to adult trials, but with important differences. First, juveniles are not entitled to a jury trial. The judge alone makes the determination as to whether the juvenile is delinquent. Secondly, juvenile cases are normally closed to the public.

The juvenile court system keeps offenders' identities and criminal records secret. In addition, juveniles are not fingerprinted or photographed when they are arrested.

**Sentencing** If a juvenile is found delinquent, or guilty, the court holds another hearing—the **equivalent**, or equal, to sentencing. Juvenile court judges can sentence offend-

ers in different ways. They may send them home with a stern lecture, or they may place offenders with a previous history of delinquency in a special training school, reformatory, treatment center, or teen shelter.

If the young person successfully completes probation, the charges will be dropped and removed from the record. Juveniles who are neglected may become wards of the court. The court becomes their guardian and can supervise them until adulthood.

## Supreme Court Rules

The Supreme Court has established several rules for juvenile criminal cases. In general, juveniles have the same or similar rights as adults accused of crimes: the right to counsel, the right to confront witnesses, and the right not to be forced to incriminate themselves. In 1967, the Court stated, "... neither the Fourteenth Amendment nor the Bill of Rights is for adults alone."

**Reading Check** **Describing** What does it mean to "divert" a juvenile from the court system?

## Writing Support

**Expository Writing** Have students outline the material under the heading "The Trial." **OL**

## Critical Thinking

**Comparing and Contrasting** **Ask:** *What are the differences between the adult and the juvenile legal processes? (For juveniles, differences include: no jury, trial closed, no fingerprints or photographs taken at arrest, criminal records closed.)* **OL**

**Reading Check** **Answer:** By offering counseling, job training, and drug treatment, juveniles are kept out of the courts and are rehabilitated.

## Assess



**Study Central™** provides summaries, interactive games, and online graphic organizers to help students review content.

## Close

**Drawing conclusions** Ask students to review the causes of juvenile delinquency given on page 461. **BL ELL**

## Section 3 Review

## Section Review

### Vocabulary

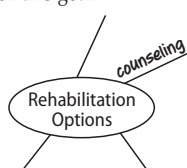
- Define** the following terms and use them in a paragraph about the justice system for young people: *juvenile*, *juvenile delinquent*, *rehabilitate*.

### Main Ideas

- Explaining** Can juveniles be tried as adults?
- Describing** What is the primary goal of juvenile courts?

### Critical Thinking

- BIG Ideas** Do you agree that some young people should be tried as adults? Why or why not?
- Describing** Rehabilitation is the goal of the juvenile justice system. On a graphic organizer like the one below, list the programs youths can be diverted into to reach this goal.



### CITIZENSHIP Activity

- Creative Writing** Write a series of journal entries from the point of view of someone involved in the juvenile justice system: a young person, a police officer, a parent or caregiver, a crime victim, a judge, or a parole officer. Use details from this chapter to make sure your entries are accurate with regard to the juvenile justice system.

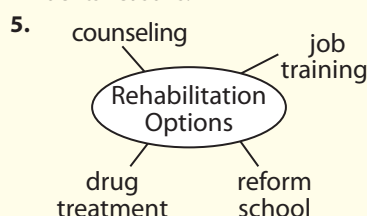


**Study Central™** To review this section, go to [glencoe.com](http://glencoe.com).

## Answers

- Paragraphs should use vocabulary words according to their definitions in the section and in the Glossary.
- Yes, all states allow juveniles to be tried as adults if juveniles are older teens and have criminal records or have committed a serious crime.
- rehabilitation

- Students' answers will vary but include students' reasons.



- Student answers will vary. Their account of procedures, however, should be accurate based on the student text.

## C Critical Thinking

**Identifying Central Issues** **Ask:** Does the side that says schools should be allowed to punish blog speech take the view that adults and teenagers have different rights? (Students should recognize that this is a central issue of disagreement between the two sides.) **AL**

### Debating the Issue

#### Answers:

1. A "blog" is a web log—commentary posted on the Internet for anyone to read and respond to.
2. Advising Association of School Administrators, American Civil Liberties Union, and Student Press Law Center
3. that it constitutes a material disruption to class work or involves a substantial disorder or invasion of the rights of others
4. Students may come up with a variety of ideas, including the idea that blog speech occurs outside of classroom activities, so it is less likely to be disruptive to education than speech in the classroom.

## Additional Support

## Can schools punish students for undesirable blog speech?

The word *blog* is a blend of *web* and *log*. Individuals with access to the Internet can post comments on blog pages for anyone to read and respond to. In the last few years "blogging" has exploded in popularity for all age groups, especially young people. Today millions of blogs are posted around the world. Blogging was in its early stages when a Missouri school district suspended a student for posting a personal Web page criticizing his school. Since then, the courts have decided a number of cases involving student use of the Internet from locations outside their schools. Should a school be allowed to punish blog speech?

### YES

A federal district court ruled a Missouri high school student blogger's criticism of school officials was protected speech. However, not all such speech is protected by the First Amendment. Advising the Association of School Administrators, attorneys Robert Ashmore and Brian Herman noted that, "Student blogs are protected by the First Amendment as long as their content does not constitute a material disruption to classwork or involve substantial disorder or invasion of the rights of others. . . . [T]he U.S. District Court for the Western District of Pennsylvania recently refused to stop a school district from suspending a student, placing him in an alternative school. . . ." The student's Web site had mocked his principal. The court said that, at trial, the Web site probably would be considered a material disruption.

—Robert Ashmore and Brian Herman,  
"Abuse in Cyberspace"

### NO

The American Civil Liberties Union (ACLU) and the Student Press Law Center (SPLC) often come to the defense of student bloggers who believe their free speech is being violated. With their support, students often win court cases against their schools. In a 1999 case U.S. District Judge Barbara Jacobs Rothstein ruled that a school had violated the First Amendment rights of a student when it expelled him for the content of a poem he wrote about school violence. "'Last Words' was not a sincere expression of intent to harm or assault, and the poem therefore falls squarely within the purview of the First Amendment's core protections," Rothstein said in her decision. "The Supreme Court has repeatedly held that both teachers and students retain their Constitutional rights to freedom of speech and expression. . . . Poetry . . . falls within the core speech protected by the Constitution."

—U.S. District Judge Barbara Jacobs Rothstein,  
*LaVine v. Blaine School District*, 2000

### Debating the Issue

1. **Defining** What is a blog?
2. **Identifying** What are three organizations that have an interest in student blog speech?
3. **Explaining** What does a school have to prove in order to punish a student for blog speech?
4. **Analyzing** Why would courts rule that content on a personal blog is protected by the First Amendment but that classroom speech is less likely to be?

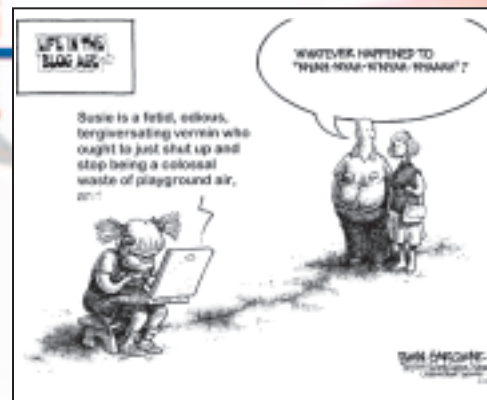
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## Activity: U.S./World Connections

**China and the Internet** As of June 2005, the Chinese government has required all Internet bloggers to register with the government. And many topics, such as independence for Taiwan, are off limits for bloggers. The government strictly controls what Web users see through technology known as the "Great Firewall of China."

Have groups research Chinese Internet

usage and how strict controls affects it. One group should find topics and ideas that are restricted. A second group should research the measures the Chinese government takes to ensure Internet content is censored. A third group should research how the rest of the world views China's restrictive Internet policies and how this may affect China's economy. **AL**



Computer blog speech has become more sophisticated and harder to monitor.



## Visual Summary

**Civil Law**

- Civil law includes disputes over rights, property, and agreements.
- In a civil lawsuit, the plaintiff files a complaint against the defendant, and the defendant responds.
- The legal system has established a procedure that everyone must follow to settle civil disputes.

**Criminal Law**

- In criminal law cases, the government charges someone with a crime.



Divorce and family law is part of civil law

- A crime is an act that breaks a federal or state criminal law and causes harm to people or society in general.
- Criminal cases are divided into two main groups—felonies and misdemeanors.

**Juveniles and the Court System**

- When a juvenile is arrested, the police must notify his or her parents or caregivers.
- A preliminary hearing is held, followed by a court appearance.



Offender gets tracking device

- At sentencing, juveniles may be sent home, put on probation, made a ward of the court, or sent to a reformatory.
- There is no jury in juvenile court cases.
- The primary goal of juvenile courts is to try to rehabilitate, or correct the behavior of, offenders.

Students try a case in peer court



Study anywhere, anytime! Download quizzes and flash cards to your PDA from [glencoe.com](http://glencoe.com).

## Visual Summary 16

**Diagramming** Have students work with a partner to create a diagram of civil or criminal lawsuits. Students may use the charts on page 450 or page 457 as a springboard for their own ideas. **OL**

**Making Connections** Because television cameras are often not permitted in courtrooms, an illustrator will sketch scenes from notable trials. Have students draw a courtroom scene that they have either experienced or seen on TV. **ELL**

**Evaluating** Ask: **If you were in trouble and a judge were to give a punishment, what would be the most effective punishment for you to keep you from getting into trouble again?** Have students get into small groups to discuss the question. **OL**

## Hands-On Chapter Project

### Step 4: Wrap-Up

**Understanding the Legal System**

**Step 4: Reflecting** In this chapter, students have learned about three very different aspects of America's legal system. Ask students to think back over the activities they

completed in Steps 1 through 3, as well as what they read in the chapter text itself, and to write down three things they learned that were surprising or troubling to them.

**Directions** Lead a discussion, asking first about the surprises. Students often form ideas about the legal system based on tele-

vision shows or news stories that do not give an accurate or balanced picture. Next, discuss with students the things that they found troubling or that seemed unfair. Ask what changes they would like to consider making to improve the legal system as they understand it. **OL**

## Answers and Analyses

### Reviewing Vocabulary

**1. B** Students will have read about each of these terms in Section 1 under Bringing Suit and Section 2 under The Penal Code. They should be able to answer the question correctly by process of elimination: Only the complaint is a statement filed with the court to describe the lawsuit. A summons is sent by the court to the defendant telling him to appear in court because he is being sued. A settlement describes the terms of the agreement reached by plaintiff and defendant that ends the lawsuit. The penal code is a set of written laws.

**2. D** Students have read about penal codes under the heading, What Is a Criminal Case? in Section 2. The other distractors are procedures used in lawsuits and do not spell out penalties for crimes.

**3. A** Students have read about parole under Sentencing Options in Section 2. The other options are not related to prisoners who have served part of their sentences.

**4. D** Students have read about the goals of juvenile courts in Section 3 under The Juvenile Justice System, which explicitly contrasts the goal of rehabilitation with that of punishment.

### Reviewing Main Idea

**5. D** Under the heading, Why Do People File Civil Suits, in Section 1, the text singles out negligence as a cause of many civil suits. The family of a worker killed because of equipment failure might well believe that the failure was due to the employer's negligence in keeping it in good repair.

**6. D** Students will have read about indeterminate sentencing under Sentencing in Section 2. The most confusing distracter here will probably be C, different sentences for similar crimes under different circumstances. Students should recognize that, under indeterminate sentencing, the judge gives a range of time for a prison term, allowing the

### TEST-TAKING TIP

When reviewing for a civics exam, divide material into easy-to-remember categories such as civic duties, civil rights, and types of law.

### Reviewing Vocabulary

*Directions: Choose the word(s) that best completes the sentence.*

- A statement naming the defendant and plaintiff and announcing the lawsuit is called a \_\_\_\_\_.  
**A** summons                      **C** settlement  
**B** complaint                    **D** penal code
- A \_\_\_\_\_ spells out the punishments that go with each crime.  
**A** summons                      **C** settlement  
**B** complaint                    **D** penal code
- After serving parts of their sentences, some prisoners become eligible for early release, or \_\_\_\_\_.  
**A** parole                          **C** discovery  
**B** acquittal                      **D** arraignment
- The primary role of juvenile courts is to \_\_\_\_\_.  
**A** punish                          **C** acquit  
**B** arraign                        **D** rehabilitate

### Reviewing Main Ideas

*Directions: Choose the best answer for each question.*

#### Section 1 (pp. 448–451)

- Which of the following situations may lead to a negligence suit?  
**A** parents argue over custody of their children  
**B** neighboring farmers disagree over boundaries  
**C** a football player quits before his contract expires  
**D** a worker is killed on the job when equipment fails

#### Section 2 (pp. 452–458)

- What is meant by indeterminate sentencing?  
**A** a set amount of time that the law directs for a specific crime  
**B** probation with intensive supervision  
**C** different sentences for similar crimes under different circumstances  
**D** a sentence that ranges from a minimum to a maximum term
- When does an accused person enter his or her plea of guilt or innocence?  
**A** on being arrested  
**B** during booking  
**C** at the arraignment  
**D** during cross examination

#### Section 3 (pp. 460–463)

- According to studies, which young people are most likely to get in trouble with the law?  
**A** older juveniles  
**B** abused children  
**C** mediocre students  
**D** middle-class teenagers
- What right do accused juveniles NOT share with adults?  
**A** the right to counsel  
**B** the right to a jury trial  
**C** the right to confront witnesses  
**D** the right to refuse to incriminate themselves

GO ON 

parole board to decide when the prisoner will be released. This is different from the judge making that decision at trial based on the particular circumstances of the case.

**7. C** Students will have read about the defendant being required to enter a plea at arraignment under the heading Hearing, Indictment, and Arraignment in Section 2.

**8. B** Students have read about risk factors for juvenile crime under Causes of Juvenile Delinquency in Section 3. Poverty, drug and alcohol abuse, and mental or emotional problems are also cited as increasing risk factors.

## Critical Thinking

Directions: Base your answers to questions 10 and 11 on the chart below and your knowledge of Chapter 16.

Average Prison Sentences and Time Served for Criminal Cases		
Type of offense	Average sentence given	Percent of sentence served
Murder	12.4 years	48%
Kidnapping	8.7 years	50%
Robbery	8 years	46%
Assault	5.1 years	48%
Other	5 years	47%

10. What conclusion can you draw from the chart?
- More than half of all convicted felons serve their full sentences.
  - On average, convicted robbers are sentenced to four years.
  - Criminals serve only about half their sentences in prison.
  - Convicted murderers spend the rest of their life in prison.
11. What judgment might you make based on the chart?
- Murderers should be in prison for life.
  - Robbery is a more serious crime than assault.
  - All felonies are equally detrimental to society.
  - Society considers kidnapping the most heinous crime.

## Document-Based Questions

Directions: Analyze the following document and answer the short-answer questions that follow.

*The federal government and 38 states allow the death penalty for certain crimes such as murder and kidnapping. The following passage is by Sister Helen Prejean, the author of Dead Man Walking and an advocate for abolition of the death penalty.*

To shackle conscious, imaginative human beings and bring them to the death house with the clock ticking away the days and hours of their lives is mental torture. To prepare human beings for execution by diapering them, shackling them, and forcibly injecting them with valium to lower resistance, then strapping them onto a gurney and injecting them with chemicals that first paralyze them so they can't cry out and then throw them into cardiac arrest is mental torture and in all probability physical torture too. We've been trying over the last 30 years to sanitize death, make it look like we're not really killing them, we're "putting them to sleep."

The death penalty always involves torture. There's no way to kill a human being without causing them extreme pain. Legalizing death doesn't change anything.

—Sister Helen Prejean

12. According to Helen Prejean's characterization, which constitutional freedom does the death penalty negate?
13. What is the main idea of the passage?

## Extended-Response Question

14. Describe mediation and arbitration in civil cases, and point out the differences between the two.

STOP



For additional test practice, use Self-Check Quizzes—Chapter 16 on [glencoe.com](http://glencoe.com).

### Need Extra Help?

If you missed question...	1	2	3	4	5	6	7	8	9	10	11	12	13	14
Go to page...	450	450	454	462	449	454	456	461	463	454	454	453	453	450

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9. **B** Under the heading The Trial in Section 3 students have read that jury trials are not a right accorded to juveniles. The other major difference in juvenile trials is that the courtroom is ordinarily closed to the public as part of the effort to keep juvenile records and identities private.

## Critical Thinking

10. **C** The third column of the chart clearly shows that in each type of criminal case, the amount of the sentence actually served is 50% or less.

11. **B** Based on the average length of the sentence for each crime, shown in the second column of the chart, students can deduce that robbery is considered a more serious crime than assault. The distractor that might confuse some students is D—

## STANDARDIZED TEST PRACTICE

that society considers kidnapping the most heinous crime. But although kidnappers on average serve slightly more (2%) of their original sentence than any other group of criminals, the average length of the sentence for kidnappers is almost four years shorter than the average sentence for murderers.

## Document-Based Questions

12. freedom from cruel and unusual punishment

13. Students' answers may vary. A possible answer is that Sister Helen Prejean believes that the death penalty is torture and that legalization does not make it less cruel.

## Extended Response

14. During mediation, both sides in a disagreement explain their arguments to a mediator in hopes of resolving the issues. In arbitration, two differing sides submit formal arguments to a judge who comes to an opinion about which side wins. Mediation is a less formal process, less expensive and less time consuming for those involved and the court system.



Have students visit the Web site at [glencoe.com](http://glencoe.com) to review Chapter 16 and take the **Self-Check Quiz**.

### Need Extra Help?

Have students refer to the pages listed if they miss any of the questions.